



INVESTIGATIVE REPORT

Lori Torres, Inspector General

OFFICE: INDIANA DEPARTMENT OF CHILD SERVICES (DCS)
TITLE: DCS INVESTIGATION INTO PROVIDER
CASE ID: 2018-01-0028
DATE: February 20, 2019

The Inspector General's Chief Legal Counsel, Tiffany Mulligan, after an investigation by Inspector General Director of Investigations, Special Agent Darrell Boehmer, reports as follows:

The Indiana Office of Inspector General (OIG) investigates potential criminal activity and Code of Ethics violations within the executive branch of state government. Ind. Code § 4-2-7-3. The OIG is statutorily charged with recommending policies to deter, detect and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government. Ind. Code § 4-2-7-3(2). It also is charged with providing advice to agencies on developing, implementing, and enforcing policies and procedures to reduce the risk of fraudulent or wrongful acts within the agency. Ind. Code § 4-2-7-3(8).

On January 29, 2018, the OIG received a complaint alleging that employees of Gibault Children's Services (Gibault) in Vigo County were engaging in various forms of assault against children in their care. Gibault provides residential and community-based services to children with emotional and behavioral challenges. The complaint alleged that Gibault supervisors were directing staff to assault clients and Gibault employees were taking children out of camera range and physically assaulting them. The complaint further alleged that the Indiana Department of Child Services (DCS) was aware of the allegations but failed to conduct a thorough investigation into the matter.

OIG Director of Investigations Darrell Boehmer conducted an investigation that focused

on whether DCS thoroughly investigated Gibault. During the course of the investigation, Director Boehmer interviewed several witnesses, including the individual who reported the complaint to the OIG (the Reporting Party), witnesses identified by the Reporting Party, employees of Gibault, and employees of DCS. Director Boehmer also obtained and reviewed several documents, including investigative documents from DCS and personnel records of Gibault employees who were allegedly involved in the abuse.

Director Boehmer first reached out to the DCS Internal Affairs Division to obtain a copy of any DCS investigative records involving allegations of resident abuse at Gibault. In response to this request, he received a copy of a February 23, 2018, letter from DCS's Placement Support and Compliance Division to the Chief Operating Officer (COO) at Gibault. The letter referenced a recent facility assessment that DCS conducted in response to reports that Gibault staff had placed youth in inappropriate physical restraints. The letter required Gibault to submit a Plan of Correction (POC) to DCS by March 9, 2018, to address DCS's concerns regarding the health and safety of children placed in Gibault's care. The letter required the POC to include revised policies and procedures, as well as detailed explanations of how the POC would be implemented, monitored, sustained and evaluated.

Director Boehmer then obtained a copy of Gibault's POC from DCS, which came to DCS in a letter dated March 9, 2018. The letter explained the action items Gibault planned to take in response to DCS's February 23, 2018 letter. The action items listed in the letter included the following: Gibault would develop procedures focusing on de-escalation strategies; it would discuss the possibility of installing cameras to areas that were not on camera where a physical intervention occurred; and it would increase the frequency of trainings on de-escalation and the proper use of physical intervention. The letter also outlined what would happen both before and

after incidents of physical intervention. Finally, the letter provided the names of the team members that would be responsible for implementing the POC and the targeted timeline for implementing the POC.

Director Boehmer subpoenaed Gibault for the personnel files of several of their employees who were allegedly involved in physical interventions with children and reviewed their records. He also learned that Gibault terminated one of their employees following DCS's investigation for using improper restraints on a child. Director Boehmer interviewed a DCS employee who conducted the facility assessment. She stated that in one of the cases she investigated, four other Gibault staff members gave reports that conflicted with the account of the Reporting Party. She stated that in some of the other cases where the Reporting Party alleged abuse took place, the clients who were allegedly abused denied that the abuse occurred.

Director Boehmer found that DCS had conducted a thorough investigation into the allegations and required Gibault to take certain actions in response to DCS's facility assessment. Director Boehmer kept the investigation open for several months to allow for follow-up at a later date.

In January of 2019, Director Boehmer met with DCS staff and the Gibault employees who were responsible for implementing Gibault's POC to determine whether Gibault was in compliance with the POC nearly a year after its submittal. Director Boehmer learned that Gibault had increased training frequency on interaction with clients, crisis intervention and reducing the need for physical intervention. He also learned that Gibault has added to the training provided to new employees. For example, new employees now hear from the Youth Advisory Group so that they can learn what it is like to be restrained and to be a client of the facility. Gibault also has evaluated where cameras are needed and installed cameras in those

areas. Gibault's COO advised that Gibault has reduced the use of physical interventions by fifteen percent over the last year. The COO also stated that Gibault has a policy on whistleblower protection, which allows employees to report wrongdoing to DCS or any other agency, but it provides that the employee must also report the wrongdoing to Gibault. The COO indicated that Gibault would incorporate an explanation of this policy into new employee training. DCS staff informed Director Boehmer that they were satisfied that Gibault had fully implemented their POC.

During the course of the investigation, Director Boehmer found insufficient evidence to support a violation of the criminal code or any rule in the Code of Ethics. He also confirmed that DCS conducted a thorough review of allegations against Gibault employees and required Gibault to implement changes to address the concerns DCS identified. Finally, Director Boehmer confirmed that Gibault is following its POC nearly a year after Gibault submitted the POC to DCS. As a result, the OIG is closing this case for insufficient cause.

Dated: February 20, 2019

APPROVED BY:

A handwritten signature in black ink that reads "Lori Torres". The signature is written in a cursive, flowing style.

Lori Torres, Inspector General